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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,577	10/24/2003	Yih Chang	CHAN3224/EM	6961

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

EXAMINER

QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/691,577	Applicant(s) CHANG ET AL.	
	Examiner Kevin Quarterman	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-12, 14 and 16-21 is/are rejected.
- 7) ☒ Claim(s) 5-7, 13 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "plurality of conductive lines" of claim 4, the "pixel-defining layer" of claim 10, and the "multilayer structure" of claim 21 must be shown or the features canceled from the claims. No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference characters "140" and "142" of Figures 2 and 3 are not mentioned in the description. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim in independent form. Claim 7 depends upon claim 5, which in turn depends upon independent claim 4. Claim 5 includes a limitation of a plurality of auxiliary electrodes containing the silver alloy cited in independent claim 4. Independent claim 4 includes the particular contents of the silver alloy. Claim 7 includes

a limitation of the silver alloy contained in the auxiliary electrodes including the same particular contents of the silver alloy recited in independent claim 4.

5. Thus, claim 7 does not further limit the subject matter of claim 5 because it merely repeats limitations already included in claim 5 because of the dependency of claim 5 upon independent claim 4.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

7. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

8. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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9. Claims 1-3 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-4 of copending Application No. 10/743,876, Publication No. 2004/0189188. Although the conflicting claims are not identical, they are not patentably distinct from each other as shown in Table 1.

10. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Table 1

Instant Application 10/691,577	US Pub. No. 2004/0189188	Discussion of Differences
Claim 1	Claim 2	Claim 2 of the publication includes all of the limitations of claim 1 of the instant application but also includes more structure because of its dependency upon independent claim 1.
Claim 2	Claim 3	Claim 3 of the publication includes all of the limitations of claim 2 of the instant application but also includes more structure because of its dependency upon independent claim 1.
Claim 3	Claim 4	Claim 4 of the publication includes all of the limitations of claim 3 of the instant application but also includes more structure because of its dependency upon claim 3.

11. Claims 4, 8-12, 14, and 16-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Application No. 10/743,876, Publication No. 2004/0189188 in view of Sakemura (US 6,404,124). See Table 2.

12. This is a provisional obviousness-type double patenting rejection.

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Table 2

Instant Application 10/691,577	US Pub. No. 2004/0189188	US 6,404,124 (Sakemura)	Discussion of Differences
Claim 4	Claim 2	Fig. 11	Claim 2 of the publication includes all of the limitations of claim 4 but does not explicitly recite first electrodes arranged in parallel on the substrate. Figure 11 of Sakemura shows an electroluminescent panel with first electrodes (11) arranged in parallel on a substrate (10).
Claim 8	Claim 2	Fig. 11	Figure 11 of Sakemura shows a plurality of isolation walls (RR).
Claim 9	Claim 2	Fig. 13	Figure 13 of Sakemura shows the isolation walls (RR) having an overhanging portion (18).
Claim 10	Claim 11	Fig. 11	Same as above for claim 4 of the instant application
Claim 11	Claim 12	Fig. 11	Same as above for claim 4 of the instant application
Claim 12	Claim 3	Fig. 11	Same as above for claim 4 of the instant application
Claim 14	Claim 4	Fig. 11	Same as above for claim 4 of the instant application
Claim 16	Claim 2	Fig. 11	Figure 11 of Sakemura shows the isolation walls parallel with each other.
Claim 17	Claim 2	Fig. 11	Figure 11 of Sakemura shows the projection of the second electrodes (2) on the substrate intersecting perpendicularly with that of the first electrodes (11) on the substrate.
Claim 18	Claim 19	Fig. 11	Same as above for claim 4 of the instant application
Claim 19	Claim 20	Fig. 11	Same as above for claim 4 of the instant application
Claim 20	Claim 8	Fig. 11	Same as above for claim 4 of the instant application
Claim 21	Claim 8	Fig. 11	Same as above for claim 4 of the instant application

Allowable Subject Matter

13. Claims 5-7, 13, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 5, the prior art of record neither shows or suggests an organic electroluminescent panel comprising, in addition to other limitations of the claim, a plurality of auxiliary electrodes containing a silver alloy. Due to their dependency upon claim 5, claims 6-7, 13, and 15 are also allowable.

Conclusion


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hanakawa (US 6,747,723) discloses a liquid crystal device having multi-layer electrode. Nakaya (US Pub. 2001/0026126) discloses an organic EL device. Arai (US 6,399,222) discloses an organic EL device with barrier layer.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (571) 272-2461. The examiner can normally be reached on M-TH (7-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kevin Quarterman
Examiner
Art Unit 2879